

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR			J	N/S	O	R	N 23	\$	DEMAND OTHER	JUDGE NUMBER	COURT DEM.	DOCKET YR.	NUMBER
1085/4	76	0124	03	24	76	4	890	1	22		78		8510		76	0124-C

PLAINTIFFS

DEFENDANTS

THE TRAVELERS INSURANCE COMPANY

PANAMA-WILLIAMS, INC.

CAUSE

28 U.S.C.A. §1332. A subrogation claim to enforce statutory indemnity under 63 O.S. §984 as a result of the defendant through its employees working in too close proximity to open high voltage lines owned and maintained by the plaintiff's insured, resulting in death of defendant's employee.

ATTORNEYS

Thomas R. Brett
Suite 400
201 West Fifth
Tulsa, OK 74103
583-1115

Paul Fernald
E. W. Keller
2101 First National
Oklahoma City, OK 73102
(405) 235-6693

☐ CHECK
HERE
IF CASE WAS
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 04-01-76
JS-6 10-1-77

DATE	NR.	PROCEEDINGS
1976		
3-24 4-1	1.	Complaint filed. Summons issued.k Summons, ret. & filed: served Panama-Williams, Inc. by serving The Corporation Co., Ok. City on 3-31-76. (USM \$4.00)g
4-19	2.	Deft's mo/dismiss, filed. ph
4-19	3.	Appl. of deft. for ext. of 20 days in which to file brief in support of mo/dismiss, w/order granting. (HDC-J)ph cps mld
4-27	4.	Pltf's first interrogs. to W. H. Shiflet, Panama- Williams, filed. v
5-7	5.	Appl. of def. for ext. of time to file brief in support of mo/dismiss, filed. rmo
5-7	MO:	It is ordered by the Court that upon the request of the deft. and no objection from the pltf., the deft. is granted until May 26, 1976, to file its brief in support of its mo/dismiss. It is further ordered that this willbbe the last extension granted for brief in support of mo/dismiss. (HDC-J)ph ltr mld.
5-28	6.	Brief in support of deft's motion to dismiss, filed. ph
6-1	MO:	It is ordered by the Ct. that the Pltf. file a resp. brief within 10 days to the Motion to Dismiss of Deft. (HDC-J)ph ltr. mld.
6-11	7.	Brief of pltf. in response to mo/dismiss of def., filed. rm
7-8	8.	Supplemental brief of pltf., in resp. to motion to dismiss of deft., filed. ph
9-24	9.	Order, filed, overruling deft's mo/dismiss. (HDC-J)hm (copies mailed)
10-8	10.	Answer of def., filed, with leave of Ct. to file out of time. (HDC-J)rm
11-3	MO:	Case set for PT hearing on 2-1-77 at 10:30 a.m. (HDC-J)ph notices mld
1977		
1-13	MO:	Case reset for PT hearing on 3-2-77 at 10:30 a.m. (HDC-J) s. cps. mld.
1-27	11.	Ans. to interrogs., filed by Maurice Williams. ph
3-1	12.	Pltf's mo/compel ans. to interrog., filed. hm
3-2	MO:	PT hearing held. Statements made. Pltf. announces further depositions need to be taken, but that case may be submitted on stipulation and depositions. Deft. to comply with pltf's mo/compel ans. to interrog. & said motion is now moot. Pltf. given 10 days to file response to deft's motion for S/J. PT order, filed in open court. Case set for non-jury trial 5-27-77 at 9:30 a.m. Parties to file briefs on questions of law by 5-13. (HDC-J)hm
3-2	13.	Pre-trial order, filed. (HDC-J)hm
3-2	14.	Deft's motion for S/J, filed. hm
3-2	15.	Brief in support of deft's motion for S/J, filed. hm (see above min. for resp.)
3-8	16.	Motion to allow deft. to amend its ans. and the Court's pretrial order to add the addit. defense of estoppel, filed. ph
3-8	17.	Brief in support of mo/allow deft. to amend its ans. and the Court's pretrial order to add the addit. defense of Estoppel, filed. ph
3-8	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Motion to Allow deft. to amend its ans. and the Court's pretrial order to add the addit. defense of estoppel. (HDC-J)ph ltr mld
3-14	18.	Pltf's resp. brief to the motion for S/J of the deft., filed. ph
3-18	19.	Resp. brief of pltf. to motion to allow deft. to amend its ans. and the Court's PTO to add the addit. defense of estoppel, filed. ph
3-24	20.	Deft's appl. for time to file reply brief, filed. ph (0 to be in)

(CONTD)

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-124-C
TRAVELERS INSURANCE CO.		PANAMA-WILLIAMS	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977 3-28	21.	Order, filed, granting def. addl. 20 days from this date to reply to pltf. response, re def. mo/amend ans. & pre-trial order. (HDC-J)rm copies mailed (noted for copy per 4/10/77 on 5-20-77 - 1 1/2 + 1/2 = 3 1/2)	
4-7	22.	Deft's amended resp. to pltf's interrogs, filed. ph	
4-11	23.	Amendment to Pre-trial order, filed, w/order allowing amendment to include the addit. defense of estoppel. (HDC-J)ph cps mld	
5-12	24.	Joint appl. and order from ED of Okla. transmitting the following depositions to this Court for use in our 76-C-124 case. After completion of our case <u>DEPOSITIONS WILL BE RETURNED FOR FILING IN EASTERN DISTRICT OF OKLAHOMA FOR USE IN THEIR CASE 74-387-C.</u> Depositions of: James H. McCann, John D. Freeman, Jr., John W. Bias, Regina Matlock, Huey Tatum, Harold Peters, Glenn L. Matlock, and Bill Bledsoe, and Arnold Trask, filed. ph	
5-13	25	Memorandum brief of deft. Panama-Williams, filed. g	
5-13	26.	Trial Brief of Pltf., fld. v	
5-18	27	Pltf. notice to take depositions of Herschel Wood, Wood Adjustment co. on 5-20-77 in Tulsa. fld. ho (subpoena issued)	
5-19		Dep. Sub., ret. & filed: served Herschel Wood 5-18-77. g	
5-20	28	Stipulations of parties, filed. rm	
5-26	29	Order, filed, overruling deft's mot. for S/Judgment. (HDC-J)g cp mld.	
5-26	--	Deposition of Bob Harr Stephens taken on 5-20-77, filed. (E.E. Rutherford-Notary-CSR)ph (\$21.00 pd by pltf.)	
5-27		Case called for non-jury trial. Parties present & rep. Parties announce ready. Opening statements made. Deft. mo/judg. on opening statements & pleadings overruled. Pltf. presents case in chief w/testimony of witnesses. Pltfs. exhibits admitted. Pltf. rests. Deft.'s mo/dismissal overruled. Deft. presents case in chief w/testimony of witnesses. Parties rest. Deft. files mo/certify question of law to Supreme Court of Okla. Pltf. direct to respond in 10 days, if desired. Motion taken under advisement. Ct. to read depositions of witnesses presented as evidence in case. Trial to continue with oral argument on 7/6/77 at 11:00 a.m. (HDC-J)rm	
5-27		Trial exhibits, filed in open court. rm	
5-27		Motion of defendant to certify question to Supreme Ct- of Okla., filed. rm	
5-27		Brief in support of mo/certify question, filed in open ct. rm	
6-6	30.	Pltf's brief in oppos. of mo/certify question of law to the Supreme Court of the State of Oklahoma., filed. ph	
6-23	31.	Pltf. requested FF/CL, filed. rm	
6-27	32.	Deft's proposed F/F and C/L, filed. ph	
7-5	MO:	Case continued for oral arguments until 7-8-77 at 3:30 p.m. (HDC-J)hm (parties phoned)	
7-7	33.	Deft's appl. to continuance of setting for hrg on oral argument set for 7-8-77, filed. ph	
7-7	34.	Order, filed, that case is continued from present hrg of 7-8-77 at 3:30 p.m. to 8-4-77 at 11:00 a.m. (HDC-J)ph cps mld by deft. counsel	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-124</u> -C
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
7-25-77	MO:	Case stricken from oral arguments of 8-4-77 and reset for 9-8-77 at 1:30 p.m. (HDC-J)hm (notices mailed)	
9-8	MO:	Case called for oral arguments. Arguments made. Deft's renewed mo/certify question to Ok. Supreme Court overruled. Court makes findings & enters judgment for pltf. & against deft. in amt. of \$65,000 and that pltf's atty. fees are not recoverable. Pltf. counsel to prepare formal order. (HDC-J)hm	
9-16	35.	Bill of costs in the amount of \$39.00 in favor of pltf., filed, setting cost hearing on 9-26-77 at 10:00 a.m. ph	
9-19	36.	Deft's motion for new trial, filed. ph	
9-19	37.	Brief in support of deft's motion for new trial, filed. ph	
9-19	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the deft's motion for new trial. (HDC-J)ph ltr mld	
9-19	38.	Judgment filed and entered, that the pltf. Travelers Ind. Co. have judgment against deft. Panama-Williams in sum of \$65,000 w/int. at rate of 10% from 9-8-77 w/costs. (HDC-J)ph cps mld	
9-19	39.	Pltf's application to amend judgment, filed.k	
9-19	40.	Brief of pltf. in support of appl. to amend judgment, filed.k	
9-19	MO	It is ordered by the Court that the deft. file a responsive brief w/in 10 days to pltf's appl. to amend judgment. (HDC-J)k cps mld	
9-20	---	Reporter's transcript of oral argument had on 9/8/77, filed. rm	
9-22	41	Pltf's response brief to deft's mot. for new trial, filed.k	
9-26	--	Bill of costs taxed in the amt of \$39.00 in favor of pltf, filed. (JCS-CC)ph	
9-30	42.	Brief of deft. in oppos. to pltf's appl. to amend judgment, filed. ph	
10-19	43.	Order, filed and entered, overruling pltf. mo/amend judg. and overruling deft. mo/new trial.(HDC-J)rm-copies mailed	
10-25	44.	Notice of appeal by deft. from judg. of 9/19/77 and from order of 10/19/77, filed. rm - copies to counsel and USCA	
10-25	45.	Cash bond (\$250 cash) on appeal, filed. rm	
10-25	46.	Designation of record by deft. on appeal, filed. rm	
11-8	47.	Notice of appeal by pltf. from judg. of 9/19/77 and order of 10/19/77, filed. rm (copy to USCA)	
11-8	48.	Cash bond (\$250 cash) filed by pltf. rm	
11-8	49.	Designation of record on appeal by pltf., filed. rm	
11-14	50.	Stipulation of parties re supersedeas bond, with ORDER setting bond in amt. of \$72,500, filed. (HDC-J)rm-copies md by deft. counsel	
11-14	51.	Supersedeas bond in amt. of \$72,500, filed. rm	
11-17	--	Reporter's transcript of pt conf., had 3/2/77; NJ/trial, 5/27/77; and oral arguments had 9/8/77, filed. rm (T.Bloxom-CR)(pp. 1-116)	
12-1	---	Letters from 10th Circuit, assigning Nos. 77-1975 & 77-1976, resp.rm	
12-9	---	Orig. appeal record (11 vols)transmitted to USCA.rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-124
TRAVELERS INS. CO.		PANAMA-WILLIAMS, INC.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1979</u>			
6-21	52.	MANDATE AND OPINION of 10th Circuit, affirming. rm	
7-25	----	APPEAL RECORD (11 vols) received from 10th Circuit. rm	
7-27	53	RELEASE & settlement of claim by pltf. against deft.k	
7-27	54	ACKNOWLEDGMENT of satisfaction of judg. by pltf. as to deft.k	
5-2-80		DEPOSITIONS (9) returned to E/D Oklahoma per order of 5-12-77. g	
5-2-80		DEPOSITION of Bob Harr Stephens returned to pltf's counsel. g	
<u>1982</u>			
4-20	55	APPLICATION of Deft. to disburse appeal bond. O as part of Appl. to J. ho	
4-22	51	ORDER, Ct. to disburse \$250.00 appeal bond to Paul F. Fernald. (HDC-J) cs	
4-27	56	APPLICATION of pltf for O directing Clk to disburse \$250.00 Cash Bond. (O as part of app. to J) jc	
4-29	--	ORDER direct. Clk to return the \$250.00 cash appeal bond to Jones, Givens, et al. (HDC-J) jc (c/atty)	
<u>1983</u>			
2-25	--	EXHIBITS returned to parties. hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	